

HOUSE BILL 15

E1

(PRE-FILED)

0lr0483

CF 0lr1123

By: **Delegate Haddaway**

Requested: August 18, 2009

Introduced and read first time: January 13, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Dangerous Dogs – Mandatory Spaying or Neutering**

3 FOR the purpose of requiring the owner of a certain dangerous dog to provide to the
4 unit of the county or municipal corporation that made the determination that
5 the dog is dangerous proof that the dog has been spayed or neutered within 30
6 days of receiving notice of the determination by the unit; providing penalties for
7 a violation of this Act; and generally relating to dangerous dogs.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 10–619
11 Annotated Code of Maryland
12 (2002 Volume and 2009 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Criminal Law**

16 10–619.

17 (a) (1) In this section the following words have the meanings indicated.

18 (2) “Dangerous dog” means a dog that:

19 (i) without provocation has killed or inflicted severe injury on a
20 person; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (ii) is determined by the appropriate unit of a county or
2 municipal corporation under subsection (c) of this section to be a potentially dangerous
3 dog and, after the determination is made:

4 1. bites a person;

5 2. when not on its owner's real property, kills or inflicts
6 severe injury on a domestic animal; or

7 3. attacks without provocation.

8 (3) (i) "Owner's real property" means real property owned or leased
9 by the owner of a dog.

10 (ii) "Owner's real property" does not include a public
11 right-of-way or a common area of a condominium, apartment complex, or townhouse
12 development.

13 (4) "Severe injury" means a physical injury that results in broken
14 bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

15 (b) This section does not apply to a dog owned by and working for a
16 governmental or law enforcement unit.

17 (c) An appropriate unit of a county or municipal corporation may determine
18 that a dog is potentially dangerous if the unit:

19 (1) finds that the dog:

20 (i) has inflicted a bite on a person while on public or private
21 real property;

22 (ii) when not on its owner's real property, has killed or inflicted
23 severe injury on a domestic animal; or

24 (iii) has attacked without provocation; and

25 (2) notifies the dog owner in writing of the reasons for this
26 determination.

27 (d) A dog owner may not:

28 (1) leave a dangerous dog unattended on the owner's real property
29 unless the dog is:

30 (i) confined indoors;

31 (ii) in a securely enclosed and locked pen; or

1 (iii) in another structure designed to restrain the dog; or

2 (2) allow a dangerous dog to leave the owner's real property unless the
3 dog is leashed and muzzled, or is otherwise securely restrained and muzzled.

4 **(E) AN OWNER OF A DANGEROUS DOG SHALL PROVIDE TO THE UNIT OF**
5 **THE COUNTY OR MUNICIPAL CORPORATION THAT MADE THE DETERMINATION**
6 **UNDER SUBSECTION (C) OF THIS SECTION THAT THE DOG IS DANGEROUS VALID**
7 **PROOF THAT THE DOG HAS BEEN SPAYED OR NEUTERED WITHIN 30 DAYS OF**
8 **RECEIVING NOTICE OF THE DETERMINATION BY THE UNIT.**

9 **[(e)] (F)** An owner of a dangerous dog or potentially dangerous dog who
10 sells or gives the dog to another shall notify in writing:

11 (1) the authority that made the determination under subsection (c) of
12 this section, of the name and address of the new owner of the dog; and

13 (2) the person taking possession of the dog, of the dangerous behavior
14 or potentially dangerous behavior of the dog.

15 **[(f)] (G)** A person who violates this section is guilty of a misdemeanor and
16 on conviction is subject to a fine not exceeding \$2,500.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2010.